

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ORIN ELEUTERIUS

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv647-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

This order disposes of Plaintiff's [63] motion *in limine* aimed at video evidence that may be offered by Defendant. The Court has viewed the DVD submitted by Defendant "containing short video clips from the Kevin Abraham video, chosen by our expert witnesses . . . to demonstrate the findings of their reports." Abraham's affidavit is also offered for authentication purposes.

Defendant asserts that it "does not intend to use the video clips to suggest that the images depicted therein are true and correct representations of what occurred at the [Plaintiff's property] on August 29, 2005." Instead, they are intended to serve as demonstrative materials for use by its experts.

The Court has entered a separate order with respect to the exclusion of demonstrative evidence, and it is the Court's determination that the subject video should also be excluded because "its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, [and] by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." Fed. R. Evid. 403.

Accordingly, **IT IS ORDERED:**

Plaintiff's [63] motion *in limine* is **GRANTED** consistent with the above comments . The Kevin Abraham video submitted by Defendant, and any other similar evidence, shall be **EXCLUDED** from any use at trial.

SO ORDERED this the 27th day of June, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE